

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

RANDALL DAVID DUE,

Defendant.

8:12CR344

ORDER

This matter is before the court on defendant's Notice of Appeal and Conflict of Interest/Objection to Magistrate Judge's Order. Filing No. 376. The defendant is appealing a recent ruling of the magistrate judge, Filing No. 362, and is again alleging a conflict of interest on the part of the magistrate judge. The court has carefully reviewed the Notice of Appeal/Objection, as well as defendant's affidavit, Filing No. 369, and finds it is frivolous, lacks merit, and generally fails to allege understandable facts or law. Accordingly, the court will deny this motion.

Defendant has also filed a Counterclaim. Filing No. 377. The court has previously indicated to the defendant that counterclaims cannot be filed in his criminal complaint. See Filing No. 362. The Counterclaim appears to be filed against both Magistrate Judge Thomas Thalken and the undersigned based on their judicial filings in this case. Again, the court finds there is no basis for said Counterclaim and denies it as meritless.

THEREFORE, IT IS ORDERED:

1. That defendant's Notice of Appeal and Conflict of Interest/Objection to Magistrate Judge's Order, Filing No. 376, is denied.

2. That defendant's Counterclaim, Filing No. 377, is stricken.

Dated this 14th day of May, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge